

## Message Text

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12

ORIGIN DPW-01

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 ACDA-19 OIC-04 IO-14 AF-10 ARA-16 EA-11

EUR-25 NEA-10 /185 R

DRAFTED BY D/PW:FASIEVERTS:JS

APPROVED BY D/PW:FASIEVERTS

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EA/VN - MR. FINNEY

ARMY/OTPMG - MR. ELLIS

DOD/ISA - LCOL. KRAAK

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R 061547Z MAR 74

FM SECSTATE WASHDC

TO USMISSION GENEVA

AMEMBASSY SAIGON

INFO AMEMBASSY BONN

AMEMBASSY CANBERRA

AMEMBASSY LONDON

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY WELLINGTON

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E.O. 11652:GDS

TAGS:PARM, ICRC

SUBJECT: LAW OF WAR CONFERENCE: US PROPOSAL FOR NEW  
ARTICLE ON MISSING AND DEAD

REF : (A) STATE 38389 (B) GENEVA 1239 (C) GENEVA 1307  
(D) GENEVA 1371 (E) GENEVA A-75 (SEVERAL NOTAL)

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1. CONCERNED WASHINGTON AGENCIES HAVE REVIEWED UK AND FRG  
DRAFT PROPOSALS (REFS C & D) AND FIND THEM ACCEPTABLE FOR

SUBMISSION TO LOW CONFERENCE. WE ARE DELIGHTED US DRAFT (REF A) HAS FOUND POSITIVE RESPONSE AND SEE MERIT IN ATTEMPTING TO ACCOMMODATE SUGGESTED REVISIONS TO ASSURE WIDEST POSSIBLE ACCEPTANCE.

2. FOLLOWING ARE SOME SPECIFIC COMMENTS, NONE OF WHICH ARE IMPERATIVE:

(A) WE QUESTION ABSOLUTE BAN ON EXHUMATION OF REMAINS WITHOUT PRIOR CONSENT OF OTHER PARTY (PARA THREE OF UKDRAFT), SINCE EXHUMATION IS SOMETIMES NECESSARY FOR HYGIENIC OR OTHER PURPOSES, SUCH AS TO GROUP REMAINS OF ONE NATIONALITY IN A SINGLE CEMETERY.

(B) SUGGEST TERM "GRAVE REGISTRATION SERVICE" BE EMPLOYED CONSISTENTLY, FOLLOWING ART. 17 OF FIRST GENEVA CONVENTION (GWS).

(C) IF POSSIBLE WE WOULD LIKE TO PROVIDE FOR RETURN OF REMAINS BEFORE AS WELL AS AFTER CLOSE OF HOSTILITIES. ART. 17 OF GWS USES PHRASE "AS SOON AS CIRCUMSTANCES PERMIT" IN PROVIDING FOR EXCHANGE OF INFORMATION. BECAUSE OF PROTRACTED NATURE OF SOME RECENT CONFLICTS WE WOULD LIKE TO EXPLORE POSSIBILITY OF APPLYING SIMILAR LANGUAGE TO RETURN OF REMAINS.

3. WE SEE NO DIFFICULTY WITH FRG PROPOSAL OR ITALIAN CONCERN (REF C). US BATTLE MONUMENTS COMMISSION INDICATES IT DEFERS TO DOD/STATE ON THIS AND OTHER SUBJECTS.

4. REGARDING GVN'S FULLY VALID CONCERN ABOUT DRV'S USE OF GRAVES VISITS AS COVER FOR INFILTRATION (PARA FOUR REF B), WE HOPE GVN WILL AGREE THIS PROBLEM CAN BE DEALT WITH BY INTERNAL MEASURES, SUCH AS REQUIRING POTENTIAL VISITORS TO DOCUMENT RELATIONSHIP WITH DECEASED, LIMITING DURATION OF VISITS, AND RESTRICTING VISITS TO ACTUAL CEMETERIES. SINCE FRG PROPOSAL IS AIMED PRIMARILY AT COMMUNIST REGIMES WHICH HAVE BARRED BONA FIDE VISITS BY RELATIVES, WE SUSPECT THOSE REGIMES MAY OBJECT TO IT WHEN IT IS INTRODUCED AT LOW CON-  
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REFERENCE. UNDER THESE CIRCUMSTANCES, WE HOPE GVN WILL NOT FEEL COMPELLED TO OPPOSE FRG-TYPE PROPOSAL BUT WILL LIMIT ITSELF TO POINTING OUT THAT THE RELATIVES MUST BE BONA FIDE NEAR KIN OF THE DECEASED AND THAT IT WOULD BE INTOLERABLE FOR SUCH VISITS TO SERVE ULTERIOR MOTIVES. SUGGEST DELEGATION DISCUSS WITH GVN DELEGATION IN THIS SPIRIT AT APPROPRIATE TIME.

5. FOR SAIGON: WOULD APPRECIATE YOUR COMMENTS ON THIS ALSO. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** POW, LAW, WAR, MIA, INTERMENTS, MEETINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 06 MAR 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** morefirh  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974STATE044593  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** FASIEVERTS:JS  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** n/a  
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**Office:** ORIGIN DPW  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** (A) STATE 38389 (B) GENEVA 1239 (C), GENEVA 1307  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** morefirh  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 11 APR 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <11 APR 2002 by boyleja>; APPROVED <11 JUN 2002 by morefirh>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** LAW OF WAR CONFERENCE: US PROPOSAL FOR NEW ARTICLE ON MISSING AND DEAD  
**TAGS:** PARM, ICRC  
**To:** GENEVA SAIGON  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005